

FILED

NOV 27 2012

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

ELDON HUFFINE,)	CV 12-85-H-DLC-RKS
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JOHN BROWN, Montana 18 th District)	
Court,)	
)	
Defendant..)	
_____)	

United States Magistrate Judge Keith Strong entered Findings and Recommendation on October 16, 2012, and recommended Plaintiff Eldon Huffine not be allowed to proceed in forma pauperis, and to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. Plaintiff did not timely object to the Findings and Recommendation, and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

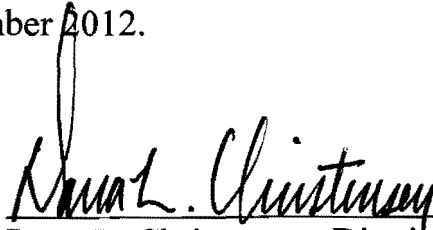
Judge Strong found that Huffine has exceeded the three “strikes” allowed by the Prison Litigation Reform Act. Further, Judge Strong stated that Huffine has a history of abusing the system and filing repetitive and frivolous lawsuits.

After a review of Judge Strong’s Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Strong’s Findings and Recommendation (doc. 3) are adopted in full.

The Clerk of Court is directed to close the case and enter judgment pursuant to Rule 58 F. R. Civ. P.

DATED this 27th day of November 2012.



Dana L. Christensen, District Judge
United States District Court